

FILED

01/08/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL HOWARD,

Defendant.

1:21-cr-00007-JRS-MJD

INFORMATION

The United States Attorney charges that:

1. The Defendant, Daniel Howard ("Howard"), was a resident of Indianapolis, in the Southern District of Indiana.

Definitions

2. The term "minor" was defined as a person under the age of 18 years. 18 U.S.C. § 2256(1).

3. The term "sexually explicit conduct" was defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) masturbation; or (c) lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. § 2256.

4. The term "visual depiction" was defined to include undeveloped film and videotape, and data stored on computer disk or other electronic

means, which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format. 18 U.S.C. § 2256(3).

Count 1
Receipt of Visual Depictions of Minors
Engaged in Sexually Explicit Conduct
18 U.S.C. § 2252(a)(2)

5. On or between February 1, 2020 and July 14, 2020, within the Southern District of Indiana and elsewhere, **DANIEL HOWARD** knowingly distributed and received any visual depiction, using any means or facility of interstate or foreign commerce or that had been mailed, or had been shipped or transported in or affecting interstate or foreign commerce, or which contained materials which had been mailed or so shipped or transported, by any means including by computer, where the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction was of such conduct.

All of which is a violation of Title 18, United States Code, Section 2252(a)(2).

Forfeiture

The allegation contained in this Information is hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253, and Title 18 United States Code, Section 924(d).

Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2252, set forth in Count 1, the Defendant, DANIEL HOWARD, shall forfeit to the United States of America:

A. Any visual depiction described in Title 18, United States Code, sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

B. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense[s]; and

C. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense[s].

The property to be forfeited includes, but is not limited to: an iPhone seized on July 14, 2020 (and all data contained therein).

If any of the property described above, as a result of any act or omission of the defendant,

- A. cannot be located upon the exercise of due diligence;
- B. has been transferred or sold to, or deposited with, a third party;
- C. has been placed beyond the jurisdiction of the court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b) and Title 28, United States Code, Section 2461(c).

JOHN E. CHILDRESS
Acting United States Attorney



Kristina M. Korobov
Assistant United States Attorney



Cindy J. Cho
Criminal Chief